THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.16584 OF 2004

Dated: 6th September, 2005.

Between:

M/s. Vishal Infrastructure Limited, rep. by

Authrorised Signatory D. Prabhudas, S/o.Venkateswarlu,

1.225/A, Anugriha Apartments, Rukmini Devi Colony,

West Maredpally, Secunderabad-500 026.

… Petitioner

And

1. **Government of Andhra Pradesh, rep. by its Secretary, Irrigation & CAD (PW) Department,**

   Secretariat, Hyderabad.

2. **The Chief Engineer (Minor Irrigation), Irrum Manzil,**

   Hyderabad.

3. **The Commissioner of Tenders, BRKR Bhavan, Lower**

   Tank Bund, Hyderabad.

4. **The Superintending Engineer, I & CAD, Irrigation**

   Circle, Ongole.

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ORDER :

This writ petition is filed seeking a declaration that the alleged action of the

respondents in considering the ineligible tenders as per e-procurement Tender Notice, dated 16-2-2004 issued by the 4th respondent – The Superintending Engineer I & CAD, Ongole, is arbitrary and illegal; and seeking a consequential direction to call either for fresh tenders or allow the petitioner to submit its tender.

Having received the notice, counter-affidavit has been filed on behalf of the respondents stating that the allegation made by the petitioner that ineligible tenders were considered is incorrect. It is stated that technical bids were opened on 9-3-2004 and four bidders who filed tenders were found to be registered contractors as per G.O.Ms.No.521, dated 10-12-1984. In the circumstances, they called for a clarification from the Government and as per the clarification furnished, they were found to be eligible and accordingly their bids were opened. Subsequently, the price bids were opened on 15-3-2004, in which it was found that the lowest bidder has offered discount tender. Accordingly, tenders were evaluated and the lowest tender was accepted on 10-5-2004. Subsequently, as per the suggestions of the Commissionerate of Tender, the work was entrusted to one A.V. Ram Babu, Special Class Contractor, Markapur, by concluding agreement on 5-2-2005. In pursuance thereof, the work in question has already been completed upto 60% of the agreement value. It has also been explained that the tenderers who participated in pursuance of the tender notice were found to be registered under G.O.Ms.No.521, dated 10-12-1984 and it was clarified by the Government that they were also eligible to participate.

Having regard to the stand taken by the respondents and particularly in view of the fact that substantial portion of work has already been completed, I am of the view that the question of calling for fresh tenders does not arise at this point of time.

In the circumstances, the relief as prayed for cannot be granted and accordingly, the Writ Petition is dismissed. No costs.

6th September, 2005.

gbs